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Official Records

First Committee
27th Meeting
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New York

Chairman: Mr. Mernier ..... (Belgium)

The meeting was called to order at 3.20 p.m.

Agenda items 63 to 80 *(continued)*

Action on all draft resolutions submitted under all items

The Chairman: Delegations have before them informal paper No. 5 containing the list of draft resolutions that the Committee will take up today. If there are no comments on that list, I shall call on delegations wishing to introduce revised draft resolutions.

Mr. Enkhsaikhan (Mongolia): Since draft resolution A/C.1/53/L.10/Rev.1 was introduced by my delegation a couple of days ago I can be quite brief. The aim of the draft resolution, which enjoys the overall support of the membership, including the nuclear-weapon States, is to address the question of the nuclear-weapon-free status of Mongolia. Because of its geographical location and some other factors, at this stage Mongolia has difficulty in establishing an internationally recognized single-State nuclear-weapon-free zone. The heretofore followed formula for the creation of nuclear-weapon-free zones in this case cannot be automatically applied. We recognize that. However, that does not mean that Mongolia's nuclear-weapon-free status cannot be defined, internationally recognized and respected. On the contrary, bearing in mind its unique geographical location, Mongolia and its negotiating partners have approached this question creatively and mindful of the prevailing political realities.

As a result of the consultations and negotiations held since October 1997, we have agreed that Mongolia's nuclear-weapon-free status would be credible and durable if its overall security were ensured and internationally recognized. That understanding forms the basis of the very concept of this draft resolution and the spirit of the approach of the States concerned to it, and is reflected in the draft resolution.

The draft resolution calls for the cooperation of Members of the United Nations, especially of the States concerned, in making specific arrangements that could accommodate both the particular needs and interests of Mongolia, including the strengthening of its nuclear-weapon-free status, and the legitimate interests of its neighbours, as well as stability in the region in general. On this Mongolia and the five nuclear-weapon States all agree.

It is in this spirit that the General Assembly would invite the States concerned to work with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's international security and nuclear-weapon-free status.

The need to issue a revised version of the draft resolution is connected with a request by one of the States concerned to make it absolutely clear that all five nuclear-weapon States are equally involved. This emphasis has found reflection in the sole change being made in operative paragraph 3, where the words "States concerned" are to be replaced by the words "Member States, including the five nuclear-weapon States".

My country maintains good-neighbourly relations with its neighbours and pursues a policy of balanced relationship with them. The General Assembly would endorse and support that relationship as an important element of

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strengthening regional peace, security and stability. This draft resolution is forward-looking. It is built on goodwill and the good-neighbourly relations that Mongolia enjoys with its neighbours. It is also in the spirit of Sino-Russian declarations on bilateral relations and declarations with respect to their third neighbours.

The appropriate arrangements to consolidate and strengthen Mongolia's international security and nuclear-weapon-free status are yet to be defined. In this connection, the draft resolution asks the Secretary-General of the United Nations and relevant United Nations bodies, including perhaps the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, to provide the necessary assistance to Mongolia and report thereon at the fifty-fifth session of the General Assembly. By operative paragraph 7 of the draft resolution the General Assembly would include the question in the provisional agenda of its fifty-fifth session.

We express the hope that the draft resolution will be adopted without a vote, which would reflect the spirit of the negotiations that have resulted in this draft resolution.

Mr. Soutar (United Kingdom): I shall endeavour to be even briefer than the previous speaker in introducing draft resolution A/C.1/53/L.12/Rev.1 and explaining the background to it.

When I introduced draft resolution A/C.1/53/L.12, on the report of the Conference on Disarmament, I said that the draft acknowledged the fact that after a period of reflection in 1998 the Conference on Disarmament had re-embarked on substantive negotiations and accordingly looked forward to a resumption of productive work in 1999. Since then a number of delegations have welcomed the forward-looking nature of the draft resolution and have been kind enough to make suggestions for doing this in a balanced way which closely follows the conclusions of the report of the Conference on Disarmament itself. I have tried to incorporate these suggestions into A/C.1/53/L.12/Rev.1, which has been circulated by the Secretariat.

Delegations will note that operative paragraph 3 now refers to the recommendations that the two Ad Hoc Committees established in 1998 should be re-established at the beginning of the 1999 session. Similarly, operative paragraph 4 now refers to the recommendation made by the last President of the 1998 session that the consultations under item 1 of the agenda of the Conference on Disarmament be resumed at the start of the 1999 session. In operative paragraph 5 delegations will note that the text has reverted to the exact wording of the report of the Conference on Disarmament, and in operative paragraph 6 the text has reverted to the wording of the corresponding resolution last year.

In conclusion, I hope that with the changes contained in A/C.1/53/L.12/Rev.1 the draft resolution can be adopted without a vote.

Mr. Ahmed (Bangladesh): May I draw attention to revised draft resolution A/C.1/53/L.5/Rev.1, on the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific. In view of this revised draft resolution, the amendment circulated earlier by my delegation in document A/C.1/53/L.46 is hereby withdrawn.

Mr. Thapa (Nepal): In relation to draft resolution A/C.1/53/L.5/Rev.1 entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific", my delegation clarified before the Committee yesterday that we had held informal consultations by which we tried to accommodate the concerns of different delegations. As a result, the Committee has before it document A/C.1/53/L.5/Rev.1. With the withdrawal of the amendment by the delegation of Bangladesh, I hope that draft resolution A/C.1/53/L.5/Rev.1 entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific" will be adopted by the Committee without a vote.

The Chairman: If no other delegation wishes to introduce a revised draft resolution, the Committee will now proceed to take action on the various draft resolutions listed in informal paper No. 5. I call first on delegations wishing to make general statements on cluster 1, "Nuclear weapons".

Mr. Vidricaire (Canada): In approaching our decision on the draft resolutions before us today, Canada is pleased to express its particular appreciation for draft resolution A/C.1/53/L.10/Rev.2, entitled "Mongolia's international security and nuclear-weapon-free status". We welcome both the sentiments expressed therein and the fact that it has been prepared in careful consultation with interested States. Canada strongly supports this draft resolution and hopes that it will be adopted without a vote.

Mr. Campbell (Australia): I would like to make some comments on amendments that have been put forward in

the First Committee to draft resolution A/C.1/53/L.22, on nuclear testing.

It should come as no surprise to any of us that the two countries which have conducted nuclear tests this year should be trying to deflect the message that draft resolution A/C.1/53/L.22 contains. After all, the purpose of that draft resolution is to express the General Assembly's concern and displeasure at those tests, which come so quickly on the heels of the successful negotiation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), a Treaty which the vast majority of us have signed and which established an international norm against testing. The two countries concerned seek to defend their actions in a variety of ways. They seek to share the blame, which cannot be shared. They seek to put testing in a North-South context, a place it does not deserve. By pointing to the 2,000 tests that preceded their own, they claim that criticism of their actions is discriminatory. We say to them that the testing of the past, which the international community — we, all of us — worked together so hard to end cannot now justify the testing of today. The link is a spurious one.

By pointing to the alleged slow pace of nuclear disarmament generally, the two countries also seek to defend their actions. I simply say to the Committee that at a time when the nuclear-weapon States are drawing down their nuclear arsenals it is singularly inappropriate for the General Assembly to condone Indian and Pakistani excuses for developing theirs. The threat of nuclear proliferation and the challenge Indian and Pakistani testing poses to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will not hasten the arrival of a nuclear-free world.

The two countries seek to justify their actions in terms of their national security interests. We ask ourselves what message that sends to other would-be proliferators. We believe their security has been weakened rather than strengthened by their actions.

It is for these reasons that we call on the Committee to adopt the draft resolution contained in A/C.1/53/L.22 unamended. Might I also remind the Committee and those delegations that have asked the sponsors to consider updating the 1995 resolution on nuclear testing, for to do so would be fair and consistent, that in 1995 there were no amendments either formal or informal moved against the draft resolution. We ask the Committee not to water down the message that so many other regional and international organizations have sent, not just to New Delhi and Islamabad but also to the international community at large.

Mr. González (Chile) (*interpretation from Spanish*): My delegation would like to refer to draft resolution A/C.1/53/L.10/Rev.2, sponsored by Mongolia and the Philippines. First let me put on record that we completely agree with the desire expressed by the Ambassador of Mongolia that the draft resolution should be adopted by consensus. I would also like to state clearly that my delegation's overriding policy is always to judge draft resolutions on their merits. This draft resolution clearly has merit, especially its legal content — more specifically, the second preambular paragraph, which refers to General Assembly resolution 2625 (XXV) of 1970, which we consider to be one of the most crucial resolutions in the history of the United Nations. It identifies the seven fundamental principles of the Charter and considers them *jus cogens*, the peremptory norms of international law, as mentioned in the Vienna Convention on the Law of Treaties. We would have preferred a reference to that resolution, but the second preambular paragraph nevertheless makes a clearly significant legal contribution to the subject of international security, which calls for a new conceptualization on our part, given the new international challenges.

At the same time, we support the draft resolution sponsored by Mongolia and the Philippines, because the conceptual approach that emerges from a reading of it is clearly the promotion of confidence-building measures. That is a necessary condition for the creation of a climate conducive to peace, international security and, obviously, disarmament.

Mr. Dzundev (the former Yugoslav Republic of Macedonia): My delegation hopes that draft resolution A/C.1/53/L.10/Rev.2, entitled "Mongolia's international security and nuclear-weapon-free status", will be adopted without a vote, as has been the case with similar resolutions in previous years. Mongolia, as a landlocked country like my own, is developing a positive, peaceful and friendly policy which we particularly appreciate. Draft resolution A/C.1/53/L.10/Rev.2, and in particular its operative paragraphs 2 and 3, in our view should be considered an important example and a positive step for future discussions in the United Nations and elsewhere on the issue of the establishment of nuclear-weapon-free zones.

Mr. Akram (Pakistan): The other day I had the opportunity and pleasure of responding to the statement that was made by my colleague from Canada when he introduced draft resolution A/C.1/53/L.22, on nuclear testing. I have equal pleasure in responding to the statement we have just heard from the representative of Australia,

who was responding, as I understand it, to the several amendments that have been introduced to draft resolution A/C.1/53/L.22.

Before I begin, it is perhaps appropriate to recall that Australia is a country which at one time allowed its territory to be utilized by another State for the conduct of nuclear-test explosions. In doing so Australia has contributed to the vertical as well as the horizontal proliferation of nuclear weapons. Even today Australia benefits from the nuclear umbrella and the protection afforded by its alliance with a nuclear-weapon State. If Australia is wedded to the goal of nuclear disarmament, then let us hear the Ambassador of Australia disavow the doctrine of nuclear deterrence that is embedded in the alliance to which his country is a party. We would then be able to say to both Australia and Canada that, like New Zealand, they at least have the courage of their convictions.

That, unfortunately, is not the case today. If the present Government of Australia were committed to nuclear disarmament, we would have expected it to present for consideration and adoption by the Assembly, the Disarmament Commission and the Conference on Disarmament in Geneva, the several proposals contained in the report of the Canberra Commission, which was sponsored by the Government of Australia but on which Australia now has fallen strangely silent.

The Ambassador of Australia said that the 2,000 tests in the past are no justification for present testing. That is true, but it does not mean that by focusing a draft resolution only on the present testing one should try to condone the past testing to which Australia was a party, or to say that that was "okay". As one representative said in the Conference on Disarmament, testing by nuclear-weapon States could not be mentioned in the report of the Conference on Disarmament because they were nuclear-weapon States, but testing by India and Pakistan should be mentioned in that report because they are non-nuclear-weapon States. That kind of double standard was indeed propounded in order to justify the kind of selective draft resolution that has now been put forward by Canada, Australia and New Zealand.

My colleague has said that India and Pakistan are trying to project this in a North-South dimension and that it should not be seen in a North-South dimension. That is true. Very good. But we see a draft resolution emanating from three countries, Canada in the north, and Australia and New Zealand down under, but they are all members of the northern group. These countries put forward a draft resolution pertaining to South Asia and hold no consultations with the countries concerned, offer no consultations, engage in no negotiations, submit the draft resolution and say at the outset, "We will not entertain amendments", and then go to the Group of Western European and other States in this Committee and take a decision there not to accept amendments to the draft resolution. Let them deny it. Is this not the North? And is it not the North acting against the South? Is it Pakistan and India which have made this a North-South issue, or is it the sponsors of the draft resolution that have made it into a North-South issue? Clearly, there are overtones of North and South in this draft resolution. What is more, there are other overtones which I do not even care to refer to here.

This is a discriminatory draft resolution. It is discriminatory because it refers to specific countries; no countries were mentioned in 1995. First there was a Security Council resolution against the two countries which was adopted without their participation, just as now attempts are being made to adopt draft resolution A/C.1/53/L.22 without the participation of the two countries concerned. The same treatment, same process and same procedure are being adopted. We are told that this is not discriminatory. They will not consult. They will not engage in negotiations. They will not accept amendments and they will make motions of no action. This is democratic? This is in the great spirit of the democracies that have sponsored this draft resolution? Naturally, there will be amendments, and more amendments, to it. Certainly, this draft resolution does not deserve the support of the South. It does not even deserve the support of the North, at least of those who believe in fairness, equity and equal treatment for all countries. This is a discriminatory draft resolution, and I urge all members of the Committee to vote against it. I appeal to all those who are fair-minded to oppose the draft resolution, the motives of which are coloured and the origins of which are dubious.

Mr. Chang (Republic of Korea): My delegation wishes to make brief comments on draft resolution A/C.1/53/L.10/Rev.2. Korea attaches importance to the role of nuclear-weapon-free zones in promoting a nuclear-weapon-free world. We believe that the existing nuclear-weapon-free zones have made a significant contribution to nuclear disarmament. In the establishment of nuclear-weapon-free zones, a consensus by the States in the region is indispensable.

In this vein, the declaration by Mongolia of its nuclear-weapon-free status is also an encouraging step in this direction. In welcoming Mongolia's initiative, we look

forward to the further development of the concept of the single-State nuclear-weapon-free zone. In this connection, my delegation also hopes that the draft resolution will be adopted without a vote.

Mr. Goosen (South Africa): I was not going to participate in this debate. It seemed to me to start with that it was a debate between the sponsors of draft resolution A/C.1/53/L.22, on nuclear testing, and the States that were directly affected by that draft resolution. But I have been prompted to speak by the attempt to categorize the draft resolution as a North-South issue. I cannot agree with that.

If we are to debate the issue, my suggestion is that we debate it on the substance of the matter and not attempt to categorize it in any way as North versus South. Here, I think I should first state that South Africa is to date not a sponsor of the draft resolution. I am not speaking here as a sponsor but as a country that is a part of the South.

South Africa would agree with several of the points that have been made on nuclear testing in general and with the opposition to nuclear testing in general. South Africa opposed previous nuclear testing. South Africa opposes any current tests to improve or to develop new nuclear weapons. South Africa has opposed and will oppose nuclear-test explosions in the same way as we did in 1995 when South Africa co-sponsored the resolution on the testing being conducted at that time by France and China.

Also on this North-South issue: as far as I am aware — at least it is the principle upon which we operate — the South, if that is the way we are going to use the terminology, has a very firm and very clear position on nuclear testing. That position is contained in a document adopted by the heads of State or Government of the Non-Aligned Movement in Cartagena in 1995 and was reinforced in the Final Document adopted by the Non-Aligned Movement in Durban this year, in which the heads of State or Government said that they firmly rejected all kinds of nuclear tests which are being carried out, whatever their serious environmental consequences and their contrary effects on peace, security and international stability. They strongly deplored the resumption and continuation of nuclear testing and called upon all the nuclear-weapon States to act in a manner consistent with the negotiations and objectives of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and to cease conducting any nuclear testing. They supported the total elimination of all nuclear testing without any exception. They welcomed the efforts to conclude the negotiations on the CTBT by 1996 and emphasized that any activity relating to further research and development of nuclear arsenals or their production would run contrary to the spirit of the CTBT. That is the position of the South — at least as I understand it.

The Ambassador of Pakistan referred to the position of Durban, and here I wish to respond directly to a remark that was made by the Ambassador of Pakistan to me in private; I will also read this out in fairness, because the point being made by the Ambassador of Pakistan is a fair one. The first point the heads of State or Government made on this issue was that they

> "recalled their principled positions on nuclear disarmament and the related issues of nuclear non-proliferation and nuclear tests. They expressed their concern at the slow pace of progress towards nuclear disarmament, which constitutes their primary disarmament objective. They noted the complexities arising from nuclear tests in South Asia, which underlined the need to work even harder to achieve their disarmament objectives, including the elimination of nuclear weapons. They considered positively the commitment of the parties concerned in the region to exercise restraint, which contributes to regional security, to discontinue nuclear tests and not to transfer nuclear weapons-related material, equipment and technology. They further stressed the significance of universal adherence to the CTBT, including by all Nuclear Weapon States, and commencement of negotiations in the Conference on Disarmament on fissile materials (decision CD/1547), which, *inter alia*, should accelerate the process of nuclear disarmament. They also stressed their positions against unilateral coercive or discriminatory measures which have been applied against Non-Aligned countries. They reiterated the need for bilateral dialogue to secure peaceful solutions on all outstanding issues and the promotion of confidence and security building measures and mutual trust." (*A/53/667, annex I, para. 113*)

I hope the Ambassador of Pakistan will agree with me that that is a full quotation on the issue from the Non-Aligned Movement summit. The point that I am trying to make, and this is what I took the floor to respond to, was the categorization of the issue of nuclear testing as a North-South issue. If it is to be a North-South issue then I think the South throughout its entire history has firmly stood in total opposition to nuclear testing.

The Chairman: There are still three speakers on the list to make general statements on cluster 1. May I remind delegations that draft resolution A/C.1/53/L.22 is on the

agenda for Thursday. I appeal to delegations to be brief and to reserve their wisdom for the consideration in due time of that draft resolution.

Mr. Campbell (Australia): Lest there be any mistake about the sponsors of draft resolution A/C.1/53/L.22 let me read out the list: Australia, the Bahamas, Belgium, Bolivia, Canada, the Congo, Costa Rica, Ecuador, Fiji, Hungary, Ireland, Latvia, Lesotho, Lithuania, Mongolia, New Zealand, Norway, Portugal, Solomon Islands and Kazakhstan - a good North-South mix.

The second point I should like to make, in regard to whether or not motions of no action are democratic or undemocratic, is simply to say that if there is a vote on this issue in this Committee I would hardly describe the procedure as undemocratic.

Thirdly, may I say in response to the comments made about Australia by our colleague from Pakistan that he, coming from a footballing nation, he will know what it means when I say, "Play the ball, not the man".

Mr. Moher (Canada): Canada does not play that version of football. First, the approach that Canada has advocated on this issue is to express the hope that the Committee will act on the draft resolution as submitted. That draft was prepared as the result of extensive consultation reaching back at least a month, and there have been conversations with the two States concerned. However States wish to characterize that, those conversations have taken place. We are looking for a straightforward decision on the draft resolution as submitted. Obviously, against that background we oppose the amendments that have been put forward and we have been explaining our attitude and approach to this in a number of meetings that have taken place. I do not propose to take up the time of the First Committee to repeat those arguments.

There are four quick points I would like to make. First, history: in our view, we should be looking at this issue in 1998, not at the phase of the Garden of Eden, not at the phase of 1960 and not in 1980. We should be looking at it in 1998, and that is the point from which Canada approaches this issue.

Secondly, the question of discrimination or not: this draft resolution is discriminatory. It is testing versus non-testing. That is the only discrimination in the draft resolution. Quite frankly, I only become excited on this issue when people start to imply that my Government and my country are motivated by other rather unpleasant emotions or motivations. Testing versus non-testing; what does the Committee think?

The third point is the division between North and South. I welcome very much the comments made by South Africa. Canada obviously cannot speak authoritatively for the Non-Aligned Movement. But let me point out that 187 countries of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and more than 150 of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) make a fairly large constituency which is not North and is not South, but is a global community expressing a concern.

Finally, I wish to repeat that the question before the Committee is very simple: does the international community condone nuclear testing or not - yes or no? In our view, the answer is no. If delegations agree with that, then I hope they will support the draft resolution as it is without amendment.

Ms. Kunadi (India): I was not intending to speak today either but am compelled to do so in view of the debate that has taken place on the draft resolution on nuclear testing, contained in document A/C.1/53/L.22. You, Mr. Chairman, have yourself stated that the draft resolution would be taken up on Thursday, 12 November. I was therefore quite surprised when Australia made a very substantive statement on this matter, and, naturally, a discussion has followed.

In spite of what the Canadian Ambassador has said, I would like to state here that at no stage did any consultations take place with my delegation on substantive aspects of this draft resolution. We were indeed consulted on the procedural aspect as to when the draft resolution might be put to a vote, but no consultations have taken place on the substance of the draft resolution. Neither were we consulted or asked to give our comments on the draft resolution submitted by the sponsors.

We maintain that although the draft resolution seeks to address the broad issue of nuclear testing, unfortunately, it focuses only on the tests conducted in May this year. We maintain that the draft resolution is selective and discriminatory in its approach, and its objective is not to treat all relevant aspects of testing but to isolate two countries in a particular region.

On the other hand, while the draft resolution does not address nuclear testing as a whole, it goes far beyond the subject, drawing references to Security Council resolution 1172 (1998), which addressed a number of issues that have

nothing to do with nuclear tests. My country was not given an opportunity either, as provided for in the Charter, to participate in the Council's discussion before that resolution was adopted. Therefore, we find these references in the draft resolution to be totally out of place.

We will maintain that the draft resolution is discriminatory and moulded in a self-serving manner. It does not promote the goal of nuclear disarmament. It will be counter-productive. With a view to making the draft resolution a balanced one and to addressing and focusing on the question of nuclear testing, we have introduced certain amendments to the draft resolution which have been circulated. We hope that an opportunity will be given to the Committee to take a decision on the substance of these amendments rather than proceeding to vote on the draft resolution as a whole, as has been stated. We have submitted amendments and would like these amendments to be considered.

These were some of the remarks I wished to make. We know that we will have an opportunity in a couple of days to address the matter in greater detail, but since this occasion was taken by some delegations to raise this matter now, I am also compelled to make some response.

Mr. Akram (Pakistan): I must also say that it was not my intention to go into such depth in the discussion of this matter today. I was reserving my resources for Thursday, but since the discussion has started I would like to respond to some of the comments made by my colleagues from Australia, Canada and South Africa.

In starting, let me recall a referendum held in my country some years ago in which the proposition to be voted on was put in such a way that it meant, "If you believe in Islam I am elected for five years". If one believed in Islam and answered "yes" to the question, the result was "I am elected for five years".

The question put by my colleague from Canada about nuclear testing is in the same vein. "If you believe that testing is bad, vote for this draft resolution". We are not saying that testing is good. What we are saying is that draft resolution A/C.1/53/L.22 is discriminatory. It is discriminatory because it focuses on only two countries, it focuses on only one region, it refers to a Security Council resolution, it did not do so in 1995, and so on. It is not the same thing to say that if you believe that nuclear testing is bad then vote for this draft resolution. It is not as simple as that. Our friends are fully aware of this.

My colleague from Australia says, "Play the ball, not the man". That is true, but what happens when you are playing a foul ball — and A/C.1/53/L.22 is a foul ball. My colleagues say it is democratic. It is not democratic. What is democratic about a procedure in which a draft resolution is prepared by a caucus of countries, it is not negotiated, it is put on the table, and it is said there will be no amendments to the draft resolution? That caucus, a larger caucus of the North, then takes a decision: "We are not going to entertain any amendments, and we are going to vote for no action". All that is done in the caucus of the North. Is that right or not? Did I create that caucus of the North? No. That is where all these processes have happened. My colleague from South Africa says, "Of course, this is not North-South". I trust that South Africa was not speaking as the Chairman of the Non-Aligned Movement, because I do not believe that that was the case.

I am very grateful to my colleague from South Africa for having quoted both from Cartagena and from the Durban document. Those of my colleagues who heard the quotations would see that the position of the Non-Aligned Movement on testing is a balanced position. It takes into account the positive developments that have taken place since May. It welcomes some of those developments and calls for nuclear disarmament. All that is a balanced position of the Non-Aligned Movement, and if by some osmosis the Canadian draft resolution A/C.1/53/L.22 were to be transformed into a resolution that reflects the Durban document, I can tell the Committee that my country would be very happy, and I am sure that the entire Non-Aligned Movement would be very happy with that. but I suspect that this may not happen to this draft resolution, at least on the part of the sponsors.

My colleague from Canada has said it is not history that we want, that we are referring not to 1995 but to 1998. My distinguished friend should also bear in mind that we do not refer to May 1998, but to November 1998. Between May and November 1998 there have been important developments of which all the sponsors are well aware. But they wish to ignore that and to condemn the two countries concerned on the criteria of May 1998? If that is so, why not go to 1995 or 1991 or beyond into history. Why stop at May 1995? That is discriminatory, and that is the discrimination that is contained in this draft resolution.

Canada says all tests are bad. Okay. We know that when we were negotiating the CTBT we said all nuclear testing should be prohibited - nuclear-test explosions as well as non-nuclear test-explosion testing, laboratory testing, sub-critical testing - everything should be banned, because

everything contributes to the vertical or horizontal proliferation of nuclear weapons. The Treaty did not include our position. It included only nuclear-explosive testing. But does that mean that we all accept the position of the nuclear-weapon States that only nuclear-explosive testing is to be condemned and not non-explosive testing? Are we going to ignore the sub-critical testing, the fusion research, the laboratory tests that are taking place? Does Canada condone the qualitative development of nuclear weapons through such testing? If Canada does not, why not mention that in a draft resolution that is entitled "Nuclear testing". If it does not include that, is that not discriminatory? That is another facet of discrimination in this draft resolution.

It is not so simple. It is not like the referendum to which I referred. We are all true believers, but let us not reduce that belief to *ad absurdum* proportions and ask people to vote as if they do not have the ability to discern what is right, what is wrong and what is grey.

The Chairman (*interpretation from French*): Before calling on the last two speakers I should like to remind members that this afternoon's programme should not turn into another general debate. I would like us to stick to the agenda in informal paper No. 5.

Mr. Goosen (South Africa): I shall undertake to hold the floor only briefly this time. When I spoke earlier, and when I speak at all times, I speak on behalf of South Africa unless I say otherwise. I say that in response to the question put to me by the Ambassador of Pakistan. In this instance I did not think it was necessary for South Africa to speak on behalf of the Non-Aligned Movement - and I emphasize again that the last time I spoke, I spoke on behalf of South Africa - because the language contained in both the Durban summit document and the Cartagena document allows the Non-Aligned Movement heads of State or Government to speak for themselves.

Mr. González (Chile) (*interpretation from Spanish*): My delegation is guided by a spirit of cooperation with the Chair, but we are a little perplexed, because it seems that we have already carried out and even exhausted the debate on draft resolution A/C.1/53/L.22, which is to be voted on this Thursday. Thus, my delegation is optimistic that Thursday's meeting will be very brief. I do not think much will remain in the way of intellectual resources, since we have already heard the subject debated at great length, and I think the speakers are gradually using up all their imagination and patience. I therefore support your proposal, Mr. Chairman, that we stick to today's programme. What is being discussed is not on today's programme at all.

The Chairman (*interpretation from French*): We will now proceed to take action on draft resolution A/C.1/53/L.10/Rev.2, entitled "Mongolia's international security and nuclear-weapon-free status", introduced by Mongolia. The sponsors have expressed the hope that the draft resolution will be adopted without a vote.

I call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): Draft resolution A/C.1/53/L.10/Rev.2, entitled "Mongolia's international security and nuclear-weapon-free status", was introduced by the representative of Mongolia at the 27th meeting on 10 November 1998. The sponsors are listed in the draft resolution itself.

The Chairman (*interpretation from French*): I call on the representative of San Marino, who wishes to speak in explanation of position before a decision is taken.

Ms. Molaroni (San Marino): I would like to refer to the draft resolution on which we are about to vote, document A/C.1/53/L.10/Rev.2, entitled "Mongolia's international security and nuclear-weapon-free status", introduced by the Mongolian delegation.

The Republic of San Marino has always been in favour of nuclear-weapon-free zones and therefore supports the new idea of the declaration of a single nuclear-weapon-free State. As we stated in our intervention during the general debate in the Committee, we believe that such a self-declaration has to be recognized by the international community and given the importance, official status and inviolability it deserves. For this reason the Republic of San Marino hopes the draft resolution will be adopted without a vote.

The Chairman (*interpretation from French*): Is there any objection to draft resolution A/C.1/53/L.22 being adopted without a vote?

I call on the representative of Pakistan.

Mr. Akram (Pakistan): I would like a 10-minute delay in the decision being adopted.

The Chairman (*interpretation from French*): Before replying to the request put by Pakistan, I would like to point out that we have begun the voting procedure, which

cannot be interrupted at this stage. The Committee will take up the request by Pakistan after the adoption of the draft resolution.

I repeat my question: are there any objections to draft resolution A/C.1/53/L.10/Rev.2 being adopted without a vote?

Mr. Akram (Pakistan): Do I understand, Mr. Chairman, that you are saying that we have started the process of voting? Is that your point?

The Chairman (*interpretation from French*): Quite right. The voting procedure has begun and cannot be interrupted. Once it is completed we will take up your request. Will that satisfy you?

Mr. Akram (Pakistan): The voting procedure on which draft resolution?

The Chairman (*interpretation from French*): Draft resolution A/C.1/53/L.10/Rev.2, entitled "Mongolia's international security and nuclear-weapon-free status".

Mr. Akram (Pakistan): Very good. We shall withdraw our request for a delay.

The Chairman (*interpretation from French*): There does not appear to be any objection to the draft resolution being adopted without a vote.

Draft resolution A/C.1/53/L.10/Rev.2 was adopted.

The Chairman (*interpretation from French*): I shall now call on those delegations wishing to explain their positions on the draft resolution just adopted.

Mr. Grey (United States of America): The United States was pleased to join the consensus on draft resolution A/C.1/53/L.10/Rev.2, regarding Mongolia's international security and nuclear-weapon-free status. We believe this draft resolution will encourage constructive steps in the area that could enhance stability in the Central Asian region, and we consider that the political cooperation which the draft resolution calls for will lead to significant international security benefits for Mongolia as well as for the States that participate in the process. Most importantly, we have supported the draft resolution because Mongolia's unique geographic and security situation merits unique consideration. The supportive role to be played by the Secretary-General will further increase the visibility and legitimacy of the cooperative effort, and we hope that the outcome will provide positive and creative security benefits for the international community as a whole.

I note that statements made by some States here concerning draft resolution A/C.1/53/L.10 appear to express the misperception that the draft resolution calls for the establishment of a single-State nuclear-weapon-free zone. A close examination of the text reveals that Mongolia has moved beyond such a concept. It now looks to a broader range of measures to increase its international security. As I said, the United States believes this broader approach will yield important security benefits for Mongolia and for the international community.

Mr. Changhe Li (China) (*interpretation from Chinese*): The Chinese delegation joined the consensus on the draft resolution entitled "Mongolia's international security and nuclear-weapon-free status". China has all along taken a positive stance on the question of nuclear-weapon-free zones. It has always respected and supported efforts by nuclear-weapon-free countries to establish nuclear-weapon-free zones on the basis of agreements they have freely arrived at and in the light of the situations prevailing in their respective regions.

On the basis of this position, China understands and supports the desire and efforts of Mongolia to establish a single nuclear-weapon-free State, and we respect and support Mongolia's nuclear-weapon-free status. China is of the view that countries large or small, strong or weak, are equal members of the international family and they should respect each other. In our relations with other countries we have always followed the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality, mutual benefit and peaceful coexistence.

As a neighbour of Mongolia, China fully respects the sovereignty, independence and territorial integrity of Mongolia and supports the independent foreign policy pursued by it. Our sincere wish is for the security and stability of Mongolia and of all countries in the region to be consolidated. It is also our hope that Mongolia's nuclear-weapon-free status will be respected by all and that that status will be strengthened.

Mr. Abdullah Faiz (Malaysia): With regard to draft resolution A/C.1/53/L.10/Rev.2, Malaysia fully supports the concept of the establishment of nuclear-weapon-free zones in various parts of the world. Malaysia is a party to the Bangkok Treaty on the establishment of the South-East Asia nuclear-weapon-free zone, which entered into force on

27 March 1997. Malaysia is also supportive of other Treaties, such as those of Antarctica, Tlatelolco, Rarotonga and Pelindaba. In this regard, Malaysia supports Mongolia's declaration as a single- nation nuclear-weapon-free zone. Mongolia's declaration is a bold, creative and commendable step. The creation of such a zone will contribute effectively to disarmament measures, in particular to the prevention of the proliferation of nuclear weapons. It will also enhance regional and global peace and security. We believe that any sovereign nation should have the prerogative to declare itself to be a nuclear-weapon-free State. It is in this spirit that Malaysia has given its support to this draft resolution.

Malaysia has noted that in operative paragraph 4 of the draft resolution an appeal is made for member States of the Asia-Pacific region to support Mongolia's efforts to join the relevant regional security and economic arrangements. While noting this appeal, Malaysia is of the view that Mongolia's efforts to join such arrangements should take into account the procedures for admission to the respective regional arrangements.

Malaysia is indeed happy that this draft resolution has been adopted by consensus.

Mr. Campbell (Australia): Australia supported the draft resolution on Mongolia's international security and nuclear-weapon-free status. We fully support Mongolia's aspirations to nuclear-weapon-free status consistent with the principles and objectives of nuclear non-proliferation and disarmament adopted by the 1995 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review and Extension Conference.

However, the separate issue of Mongolia's participation in "relevant regional security and economic arrangements", as contained in operative paragraph 4, would naturally be subject to separate decision by the bodies concerned in the light of their particular procedures and guidelines.

Ms. Thomas (Jamaica): Jamaica wishes to express its support for draft resolution A/C.1/53/L.10/Rev.2, entitled "Mongolia's international security and nuclear-weapon-free status". We believe that Mongolia's decision to join the community of States which have resolved to maintain non-nuclear-weapon status should be applauded. Jamaica believes that the establishment of nuclear-weapon-free zones is an effective medium through which to pursue the important ultimate objective of universal nuclear disarmament. Initiatives towards this end deserve encouragement.

The Chairman: We have heard the last speaker in explanation of position.

The Committee will now consider the next draft resolution on the list, A/C.1/53/L.45, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*". I call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): Draft resolution A/C.1/53/L.45, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", was introduced by the representative of Malaysia at the 18th meeting, on 29 October 1998.

In the second line of the last preambular paragraph, after the words "5 August 1998", add the words "and Addendum 1 dated 29 October 1998".

Besides the sponsors listed in the draft resolution an additional sponsor is listed in document A/C.1/53/INF/2/Add.1.

The Chairman (*interpretation from French*): A separate vote has been requested on operative paragraph 1 of the draft resolution.

(*spoke in English*)

Operative paragraph 1 of the draft resolution reads as follows:

> "*Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

If no representatives wish to explain their position or vote on operative paragraph 1 before a decision is taken, we shall proceed to take a decision.

I call on the representative of Jordan on a point of order.

Mr. Aamiry (Jordan): When you say, Mr. Chairman, that we are voting on operative paragraph 1, are you saying

that if we vote "yes" that operative paragraph will be included and if we vote "no" it will be excluded?

The Chairman: We vote to see if that operative paragraph will be retained or not.

I call on the Secretary of the Committee to conduct the voting.

Mr. Lin Kuo-chung (Secretary of the Committee): The Committee will now proceed to vote on operative paragraph 1 of draft resolution A/C.1/53/L.45.

A recorded vote was taken.

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Bulgaria, France, Monaco, Russian Federation, United States of America

Abstaining:

Czech Republic, Israel, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland

Operative paragraph 1 of draft resolution A/C.1/53/L.45 was retained by 133 votes to 5, with 5 abstentions.

[Subsequently, the delegation of Kuwait informed the Secretariat that it had intended to vote in favour.]

The Chairman (*interpretation from French*): The Committee will now proceed to take a decision on draft resolution A/C.1/53/L.45 as a whole.

(*spoke in English*)

I shall now call on representatives who wish to speak in explanation of position or vote before a decision is taken.

Mr. Millim (Luxembourg) (*interpretation from French*): It is my honour to speak on behalf of the three Benelux countries - the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg - on draft resolution A/C.1/53/L.45, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*".

As I said in 1996 and 1997 during the vote on similar resolutions on this same subject, the Benelux countries attach great importance to the advisory opinion of the International Court of Justice and have considered the opinions of the Court with great interest. But our three countries did not consider themselves authorized to make a selective reading of the opinion of the Court, which is a single whole and cannot be reduced only to the paragraphs taken up in the draft resolution. The opinion of the Court is an indivisible whole. Selecting certain paragraphs from the opinion can only destroy the balance of the whole and reduce to nought the valuable contribution of the International Court of Justice. Our three countries will vote against draft resolution A/C.1/53/L.45, which uses the opinion of the Court abusively and selectively.

Mr. González (Chile) (*interpretation from Spanish*): My delegation attributes great importance to international law and, in this framework, to the advisory opinions of the International Court of Justice. Therefore, to put it mildly, my delegation is astonished by the results of the vote on operative paragraph 1. That some countries could have

voted against the inclusion of that paragraph seems to us entirely inconsistent with what has been said here.

On the subject before the Committee, the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* is a sound doctrinal basis that should not be put aside. We should recall in this connection of some of the points expressed by the Court:

> "(a) Unanimously,
>
> "There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;...
>
> "(d) Unanimously,
>
> "A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;...
>
> "(f) Unanimously,
>
> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." (*A/51/4, para. 182*)

It is obvious that because of their devastating and wide-ranging effects, the use of nuclear weapons can cause immense harm. That is why there is an interrelationship between the issues of disarmament and humanitarian law, bearing in mind that in the light of international law and Article 1, among others, of the United Nations Charter, the international community has a binding obligation to maintain international peace and security, and for this reason we should ban any use or threat of use of nuclear weapons, which would create great instability.

Furthermore, the mere possession - and I stress, the mere possession - of these weapons in a situation of aggravated hostility could be translated into the threat or use of force prohibited by Article 2, paragraph 4, of the United Nations Charter and by Article 52 of the Vienna Convention on the Law of Treaties, which gives this principle the character of *jus cogens*, as an inviolable and peremptory norm.

At the purely operational level, this draft resolution requires the existence of preventive diplomacy in keeping with the times, capable of establishing the necessary legal frameworks and shepherding political efforts to prevent effects that would irreversibly alter relations among all the States of the world.

For all these reasons, my delegation believes very strongly that the advisory opinion of the International Court of Justice unquestionably constitutes a conceptual frame of reference that must be taken into account as we try to develop modes of cooperation based on trust rather than on the threat of a conflict that could have catastrophic consequences for humankind.

At the same time, my delegation finds it inexplicable that anyone should try to unbalance the content of this important draft resolution by having a separate vote on one paragraph. Clearly, that alters its spirit and its doctrine, as well as the most fundamental norms and provisions of the United Nations Charter and of other relevant international legal instruments.

Mr. Soutar (United Kingdom): The United Kingdom is committed to the goal of the global elimination of nuclear weapons. We have given this commitment practical expression by the national steps announced following our strategic defence review. We have repeatedly made it clear that when satisfied with verified progress towards our goal we will ensure that British nuclear weapons are included in multilateral negotiations.

Considerable progress has been made on nuclear disarmament, and we believe that the negotiation of a fissile material cut-off treaty is a crucial next step, as was recognized by the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) when they agreed a set of principles and objectives at the 1995 Review and Extension Conference. We have already made a unique contribution to this process by ending our own production of fissile material for nuclear weapons and declaring our defence stocks. Britain will continue to play an active and constructive role in getting these vital negotiations off to a good start when the Conference on Disarmament resumes next year.

We welcome the recognition of the importance of obligations under the NPT, including the nuclear-weapon States' obligation on nuclear disarmament under the

advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, but given that draft resolution A/C.1/53/L.45 contains highly selective quotations from the Court's advisory opinion, the United Kingdom abstained in the voting on operative paragraph 1 of the draft resolution.

In view of this selectivity and on account of the unrealistic call in operative paragraph 2 for multilateral negotiations in 1999 leading to an early conclusion of a nuclear weapons convention, the United Kingdom will vote against the draft resolution as a whole.

The Chairman (*interpretation from French*): I now call on the Committee Secretary.

Mr. Lin Kuo-chung (Secretary of the Committee): The Committee will now proceed to vote on draft resolution A/C.1/53/L.45 as a whole.

A recorded vote was taken.

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Qatar, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Andorra, Belgium, Bulgaria, Canada, Czech Republic, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Monaco, Netherlands, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Armenia, Australia, Austria, Azerbaijan, Belarus, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Iceland, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Norway, Republic of Korea, Republic of Moldova, Turkmenistan, Uzbekistan

Draft resolution A/C.1/53/L.45, as a whole, was adopted by 100 votes to 25, with 23 abstentions.

The Chairman (*interpretation from French*): I shall now call on those representatives who wish to explain their votes or positions on the draft resolution just adopted.

Mr. Souliotis (Greece) (*interpretation from French*): Greece would like to reiterate its respect and esteem for the International Court of Justice, and its attachment to the preservation of its Statute, its prestige and its lofty mission. In that context, Greece has always believed the Court to be an essential instrument for the proper functioning of the United Nations and for the preservation of peace and security in the world. Thus, Greece's inability to support draft resolution A/C.1/53/L.45 is in no way a comment on the opinion of the Court, but on the fact that the sponsors of the draft resolution arbitrarily selected certain passages from the opinion of the Court. In fact, for reasons that are not legal in nature, they deemed that they should selectively combine certain passages from the opinion of the Court, thus altering not only its substance but also its spirit.

Mr. Grey (United States of America): As it does each year in corresponding cases, the United States, voted "no" on draft resolution A/C.1/53/L.45, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", as well as in the voting on the separate paragraph.

This draft resolution employs the International Court of Justice's 1996 advisory - I repeat, "advisory" - opinion as a justification to repeat calls made in other draft resolutions for immediate multilateral negotiations on the time-bound elimination of nuclear weapons. The United States position on this matter has not changed. We oppose this idea because we remain convinced that the step-by-step process which is under way encompasses unilateral, bilateral and multilateral efforts and is yielding significant,

concrete results in the area of nuclear disarmament. This step-by-step process remains, for the time being, the only realistic approach in this highly complex field.

As ongoing unilateral and bilateral efforts continue to make real progress in reducing nuclear weapons, a multilateral role can be played. The long-awaited negotiations in the Conference on Disarmament on the fissile material cut-off treaty should resume in January 1999. Such an agreement is a key element of the international community's nuclear disarmament and non-proliferation objectives. It would be unfortunate if this next logical multilateral step in the nuclear disarmament process were to be delayed any further.

In this context I find it puzzling that draft resolution A/C.1/53/L.45 makes not one express mention of the fissile material cut-off treaty. Draft resolution A/C.1/53/L.45 is deficient in another way. It mischaracterizes article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the NPT principles and objectives decision document, which are selectively quoted in the fourth and fifth preambular paragraphs by omitting crucial references to general and complete disarmament. This omission distorts the article VI obligation in ways that would appear to relieve non-nuclear-weapon States of any disarmament responsibilities.

References in the thirteenth preambular paragraph and operative paragraphs 1 and 2 of A/C.1/53/L.45 to the International Court of Justice's advisory opinion attempt to turn it into a legal edict that requires immediate negotiations and their rapid conclusion in a multilateral forum. Let me be frank. The International Court of Justice advisory opinion is simply not binding. In any case, draft resolution A/C.1/53/L.45 misrepresents and distorts its findings.

The United States takes very seriously its NPT article VI obligations and reaffirmed them in the context of the 1995 extension of the NPT. The Court's statement that there exists an obligation to bring to a conclusion negotiations on nuclear disarmament does not alter the substance of the article VI duty in any way, since the responsibility to pursue negotiations in good faith inherently involves seeking a successful conclusion to negotiations.

Mr. Hayashi (Japan): I wish to explain Japan's position in the voting on draft resolution A/C.1/53/L.45, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*". Japan voted "yes" on operative paragraph 1 and abstained on the draft resolution as a whole.

As I have already stated in my explanation of vote on other draft resolutions, Japan, which has the sorrowful experience of atomic bombings, fervently desires that the use of nuclear weapons, which causes incomparable human suffering, will never be repeated, and firmly believes that continuous efforts should be made towards a world free of nuclear weapons.

Japan believes that because of their immense power to cause destruction, death and injury to human beings, the use of nuclear weapons is clearly contrary to the basic humanitarianism which gives international law its philosophical foundation.

Indeed, the advisory opinion of the International Court of Justice, which this draft resolution addresses, demonstrates the complexity of the subject. Japan supports the unanimous opinion of the judges of the International Court of Justice on the existing obligation under international law to pursue nuclear disarmament and to conclude negotiations on that matter in good faith. Japan firmly believes that we must take concrete measures to achieve steady and step-by-step progress in nuclear non-proliferation and disarmament.

From this point of view, Japan believes that priority should be given to bringing the Comprehensive Nuclear-Test-Ban Treaty into force as soon as possible, concluding the negotiations on a fissile material cut-off treaty that will resume at the beginning of 1999, and commencing multilateral discussions on possible steps that should follow a fissile material cut-off treaty.

In Japan's view, there should be an intensive pursuit of such practical steps, rather than a jump to commencing in 1999 — a year that will begin in two months — negotiations leading to a nuclear-weapons convention.

My delegation suggested certain amendments to the delegation of Malaysia on the draft resolution. However, our consultations were unsuccessful, and Japan was obliged to abstain in the voting on the draft resolution as a whole.

Mr. Pearson (New Zealand): New Zealand supported a draft resolution on the same subject in 1996 and in 1997 and has done so again this year despite the fact that there are some elements that we would prefer to see expressed in a different way. Our own national position on nuclear disarmament is more closely reflected in the draft

resolution which we, together with a group of other countries, have put forward in draft resolution A/C.1/53/L.48. While A/C.1/53/L.45 has therefore for us been somewhat superseded by our own initiative, we nevertheless continue to recognize the value of the following three elements, which were also the basis for our support in previous years: the draft resolution focuses strongly on the important International Court of Justice advisory opinion, it recognizes the urgency of making progress in nuclear disarmament, and it recognizes that the eventual outcome of these negotiations must be comprehensive. From New Zealand's point of view, an eventual outcome might be a convention, or some other instrument or framework or collection of instruments. While we can go along with the language in A/C.1/53/L.45, we prefer not to presuppose what form the outcome of such negotiations would be. We now have that wording in draft resolution A/C.1/53/L.48.

Mr. Chung (Republic of Korea): My delegation wishes to explain its vote on draft resolution A/C.1/53/L.45. My delegation fully recognizes the urgency of accelerating global efforts for non-proliferation and disarmament in the area of weapons of mass destruction, including nuclear weapons. In this context, we agree in principle with the need to prepare a legal instrument aimed at prohibiting the threat or use of nuclear weapons as an ultimate goal. However, it seems to us that a time-bound programme for the complete elimination of nuclear weapons is not realistic. At this stage, it is time for the international community to focus on the negotiations for a fissile material cut-off treaty. We also consider it important to ensure universal adherence to the existing instrument governing non-proliferation and disarmament in the area of weapons of mass destruction, as well as their full implementation and thorough monitoring. Therefore, my delegation supported operative paragraph 1 but abstained in voting on the draft resolution as a whole.

Mr. Seibert (Germany): The Federal Republic of Germany welcomes the commitment to disarmament in the sphere of nuclear weapons with the goal of their complete elimination, as expressed in draft resolution A/C.1/53/L.45 before us. Germany cannot, however, support the draft resolution since it is only in cooperation with our partners and allies that Germany can participate in initiatives to attain the goal of nuclear disarmament. It is the conviction of the German Federal Government that the objective of complete nuclear disarmament can be achieved only through a step-by-step process.

The Chairman (*interpretation from French*): We have heard the last speaker in explanation of vote.

The Committee will now take up draft resolution A/C.1/53/L.23/Rev.1, in cluster 5, "Regional disarmament and security".

(*spoke in English*)

If there are no general comments on this cluster, the Committee will now proceed to take action on draft resolution A/C.1/53/L.23/Rev.1, entitled "Regional disarmament". A recorded vote has been requested.

I call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): Draft resolution A/C.1/53/L.23/Rev.1, entitled "Regional disarmament" was introduced by the representative of Belarus at the 21st meeting, on 2 November 1998. The sponsors are listed in the draft resolution; however, Mali has withdrawn its sponsorship.

The Chairman: I shall now call on those representatives who wish to speak in explanation of position or vote before a decision is taken.

Mr. Stankowski (Poland): The delegation of Poland has asked for the floor to explain the position of 12 like-minded countries - namely, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia - on draft resolution A/C.1/53/L.23/Rev.1, introduced by Belarus under the title "Regional disarmament".

The revisions introduced by Belarus into the text do not change the substance of the initial draft resolution. It was our hope that Belarus would have taken into account the position of 12 countries from the region directly concerned, expressed in their joint statement of 2 November 1998, and would have withdrawn its draft resolution. We very much regret that it has not done so. In such a case, the like-minded countries of the region have no choice but to vote against the draft resolution.

I should also like to inform the Committee that the delegation of Albania has aligned itself with the joint statement of our group of 2 November 1998, and with this explanation of vote, and intends to vote accordingly.

Mr. Hajnoczi (Austria): I have the honour to speak on behalf of the European Union. The associated country of Cyprus and the European Free Trade Association countries members of the European Economic Area - Iceland and Norway - align themselves with this statement.

The European Union has consistently voiced its support for the creation of nuclear-weapon-free zones as a valuable contribution to the realization of the goals of the Treaty on the Non-Proliferation of Nuclear Weapons. The European Union reiterates its principled position that nuclear-weapon-free zones should be based on agreements freely arrived at among the States of the region concerned. The European Union believes that before a proposal such as that contained in draft resolution A/C.1/53/L.23/Rev.1 is brought to the First Committee for adoption, the States of the region should first be consulted. Having heard the common statement of the States concerned, just delivered by the representative of Poland, it is the view of the European Union that this has not been the case in respect of this draft resolution. The members of the European Union will vote against draft resolution A/C.1/53/L.23/Rev.1.

Mr. Sadaúskas (Lithuania): I would like to give an explanation of Lithuania's vote in addition to the statement made by Poland, with which we associated ourselves.

Draft resolution A/C.1/53/L.23/Rev.1, on regional disarmament, introduced by Belarus, suffers from serious factual and conceptual shortcomings. First, the name and content of the draft resolution do not correspond to each other. However looked at, the draft resolution would not resolve anything about disarmament. At best it is about the regional non-proliferation of nuclear arms.

Secondly, if the draft resolution is about the regional non-proliferation of nuclear weapons, the natural question then is, "Where does one see the danger of proliferation in Central and Eastern Europe?" The only potential nuclear danger confronting the region is the nuclear weapons which exist today in the region, and which are being gradually, albeit slowly, given up. It is particularly peculiar to call on the States of Central and Eastern Europe, as operative paragraph 2 of the draft resolution does, to continue to abide by their nuclear non-proliferation obligations under existing multilateral and bilateral agreements. Does this call to continue imply that there are intentions to discontinue compliance with the existing non-proliferation commitments? We are not aware of such intentions, and if one sees them they must be persuasively identified. We would stand very alert.

Thirdly, if there is a justifiably perceived threat about proliferation in Central and Eastern Europe, we are confused about the chosen forum for the issue. Everyone, including Belarus, knows that Europe has more than enough appropriate and exemplary subregional, regional and pan-European forums where the question could be addressed and, if needed, fully resolved. Why burden the United Nations with an issue which can be successfully and completely addressed in the regional institutions, especially in the light of the ongoing efforts to optimize and streamline the activities of the First Committee and the whole United Nations?

Fourthly, the draft resolution quotes certain very important documents and statements, some with reference to the source and some without. We have difficulty with the selectivity of the quotations. They thus distort the true picture of European security in such a way that, as already mentioned, one might become prone to see a non-existent ghost of nuclear proliferation.

Fifthly, the authors of the draft resolution are well aware that the majority of Central and Eastern European countries do not agree with either the language or the purpose of the draft resolution. It is not just "States" that disagree it is "the" States directly and legitimately concerned from "the" region. Why try to convince someone outside the region of something that the majority of countries in the region do not believe in? We have said that to the authors of the draft resolution loud and clear, and we are surprised still to be unheard.

If the purpose of the draft resolution is what is officially declared by the initiating State, then the draft resolution is superfluous and achieves nothing. But it may well be that the purpose is different - for instance, an attempt to promote the establishment of a nuclear-weapon-free zone or space in Central and Eastern Europe, especially when the draft resolution begins with the notion of nuclear-weapon-free zones. If that is so, we heard on 2 November the Permanent Representative of Poland, on behalf of the majority of Central and Eastern European countries, as well as today in his group explanation of vote, speaking against such an attempt. I find it unnecessary to repeat the main points of that statement. Whatever the purpose of draft resolution A/C.1/53/L.23/Rev.1, Lithuania will have to vote against it.

I would like to take this opportunity to reiterate our sincerest appreciation for the withdrawal of nuclear weapons from Belarus, Ukraine and Kazakhstan. Those were true disarmament measures of the kind so needed for

the slow process of global nuclear disarmament. We believe that nuclear weapons will never return to those countries, and we hope that those weapons that have been withdrawn will be destroyed soon.

Mr. Skračić (Croatia): My delegation would like to make some additional comments on draft resolution A/C.1/53/L.23/Rev.1, on regional disarmament. Croatia fully subscribes to the statement made by the Permanent Representative of Poland on 2 November 1998 on behalf of 12 like-minded countries from Central and Eastern Europe on this draft resolution, and the one made just recently by the representative of Poland as well. My delegation wishes to reiterate, though, that the institutionalization, or any initiative towards institutionalization, of any zone or space free from nuclear weapons must first enjoy the support of the countries from the region concerned. Support for the establishment of an arrangement freely arrived at among countries from Central and Eastern Europe at present does not exist.

As mentioned earlier by the delegation of Poland, and without prejudice to the future relevance of this idea, my delegation urges Belarus first to engage in bilateral negotiations and consultations with countries from the region concerned and to present the General Assembly with this initiative only as the result of an agreement arrived at during those consultations. Presenting this initiative now, prior to reaching an agreement, serves only to prejudge the wishes of the countries from the region concerned, which in essence can only be counter-productive and will not help to achieve its ultimate aim.

It is for these reasons that my delegation intends to vote against the draft resolution.

Mr. Shevchenko (Ukraine): Our delegation would also like to explain its position with regard to draft resolution A/C.1/53/L.23/Rev.1, "Regional disarmament", on which the First Committee is about to take a vote.

As was stated by the authors of the draft resolution, their intention was to flag the positive developments which have taken place in the European region in recent years. This intention, in our view, can only be welcomed, taking into account the scope and multifaceted nature of changes on the political landscape of Central and Eastern Europe. However, in our view, the authors of the proposed draft resolution unfortunately failed to accomplish this good intention. Their document does not reflect objectively and in full scope the positive developments and trends in the region, in particular in the area of security and disarmament.

To speak about the new European security architecture and not to mention the crucial role of the existing institutions in the region, where all the countries of the region jointly work under a common architecture of security and cooperation, is just one serious omission. To refer to regional disarmament and not to mention the joint efforts of countries in promoting transparency and confidence-building measures in the military sphere, which resulted in numerous multilateral and bilateral agreements and arrangements, is another one.

Ukraine, as a part of this process, pays special tribute to its neighbours for a cooperative and constructive approach in this field, which contributes to strengthening the climate of confidence and security in Central and Eastern Europe and to overall stability in Europe. There is no doubt that with the removal of nuclear weapons from the territories of the two Eastern European States, the security climate in the region has improved significantly. The contribution of Ukraine, Belarus and Kazakhstan to the process of practical nuclear disarmament and to strengthening the international nuclear non-proliferation regime has been fairly appreciated by the international community and was appropriately reflected in many draft resolutions adopted in this Committee.

We believe that the importance of what these three States have done has grown immeasurably in view of recent developments in South Asia. However, it should not exclude, as I said before, joint efforts and contributions from the countries of our region in other fields of disarmament.

Finally, the language of some paragraphs, to our mind, contains certain elements of ambiguity which we cannot disregard.

With all these remarks, our delegation will abstain in the voting on draft resolution A/C.1/53/L.23/Rev.1.

The Chairman: We have heard the last speaker in explanation of vote or position.

I call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): The Committee will now proceed to vote on draft resolution A/C.1/53/L.23/Rev.1.

A recorded vote was taken.

In favour:

Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burundi, China, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Dominican Republic, Egypt, Fiji, Ghana, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mexico, Morocco, Myanmar, Namibia, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tunisia, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen

Against:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Antigua and Barbuda, Argentina, Armenia, Bangladesh, Benin, Brazil, Cape Verde, Chad, Chile, Colombia, Democratic Republic of the Congo, Ecuador, El Salvador, Ethiopia, Georgia, India, Jamaica, Japan, Mali, Malta, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Peru, Republic of Korea, San Marino, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Togo, Ukraine, United Republic of Tanzania, Zambia, Zimbabwe

Draft resolution A/C.1/53/L.23/Rev.1 was adopted by 57 votes to 41, with 39 abstentions.

The Chairman (*interpretation from French*): I shall now call on those representatives who wish to explain their votes or positions on the draft resolution just adopted.

Mr. Grey (United States of America): When we initially compared draft resolution A/C.1/53/L.23, "Regional disarmament", with the revised text, we noticed that the revised text no longer contained the references in the third preambular paragraph to the principles of democracy and civilian control of the military. The original text noted that the new European security architecture is based, *inter alia*, upon these principles, which, in our view, are vital to regional efforts to promote and maintain peace, security and stability. We wonder why such references were deleted this year.

What is more important, draft resolution A/C.1/53/L.23/Rev.1 is flawed because it does not meet an essential criterion for the establishment of nuclear-weapon-free zones. I refer to the 2 November joint statement made by Poland on behalf of itself and 11 other Eastern and Central European nations, as well as the statements given today by Poland, Austria, Lithuania, Croatia and Ukraine. The overwhelming majority of Eastern and Central European States expressed their "lack of interest" in the zone called for in the draft resolution and urged the sponsor to withdraw it. We were hoping that the sponsor would heed the advice of its regional neighbours and do just that, but it did not, and the United States could not support a draft resolution on a nuclear-free zone in Eastern and Central Europe when most of the States of Eastern and Central Europe do not.

Ms. Martinic (Argentina) (*interpretation from Spanish*): My delegation abstained in the voting on draft resolution A/C.1/53/L.23/Rev.1, entitled "Regional disarmament", because in our opinion there is no sign or intention of deploying nuclear weapons on the territories of the countries of Central and Eastern Europe. Therefore, the objective of this draft resolution is not clear.

Mr. Karem (Egypt): Egypt supported the draft resolution because of our long and traditional support for the establishment of nuclear-weapon-free zones around the globe. That has always been in conformity with the principles and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular article VII. We also supported the draft resolution as an important confidence-building measure that we hope will spill over to the States of the region concerned.

We note that the first preambular paragraph recognizes the establishment of internationally recognized nuclear-weapon-free zones with due regard to the specific characteristics of each region and on the basis of arrangements freely arrived at by the States. That is an essential notion. In the second preambular paragraph the draft resolution welcomes the establishment of nuclear-

weapon-free zones around the globe, and in particular the establishment of a nuclear-weapon-free zone in Africa under the Pelindaba Treaty.

It is on this premise that Egypt has always supported the principle and the establishment of nuclear-weapon-free zones in Latin America, the South Pacific, South-East Asia and Africa, where we, together with our African colleagues, played a pioneering role for the fruition of that zone.

We follow with great interest the efforts being made by Mongolia to advance the concept of a single-State nuclear-weapon-free zone, and we also follow the efforts of Central Asian States to establish a nuclear-weapon-free zone in their region. We view the efforts of Belarus to advance the concept of a nuclear-weapon-free space in Central and Eastern Europe in the same spirit. Accordingly, and in this light, we voted in favour of draft resolution A/C.1/53/L.23/Rev.1.

In doing so, however, we realize the importance of rallying much more support among the States of the regions concerned. We therefore also hope that the States of Central and Eastern Europe will have the requisite opportunities to sort out their differences and to arrive at a common understanding of how to advance the concept of a nuclear-weapon-free space.

The Chairman: We have heard the last speaker in explanation of vote or position.

The Committee will now consider draft resolution A/C.1/53/L.39/Rev.1, entitled "Transparency in armaments". This draft resolution belongs to cluster 6, "Confidence-building measures, including transparency in armaments". If no delegations wish to make a general statement on that cluster, I shall now call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): Draft resolution A/C.1/53/L.39/Rev.1, entitled "Transparency in armaments", was introduced by the representative of Egypt at the 20th meeting, on 30 October 1998. Besides the sponsors listed in the draft resolution, additional sponsors are listed in document A/C.1/53/INF/2 and Add.2.

The Chairman: A recorded vote has been requested on the eighth preambular paragraph, which reads as follows:

"*Stressing* the need to achieve universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and of the Chemical Weapons Convention and the Biological Weapons Convention, with a view to realizing the goal of the total elimination of all weapons of mass destruction".

The Committee will now vote on that eighth preambular paragraph. If no delegation wishes to explain its position or vote before the Committee takes action on that eighth preambular paragraph, we will now vote on that paragraph.

I call on the Secretary of the Committee to conduct the voting.

Mr. Lin Kuo-chung (Secretary of the Committee): The Committee will now proceed to vote on the eighth preambular paragraph of draft resolution A/C.1/53/L.39/Rev.1.

A recorded vote was taken.

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of

Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
India, Israel

Abstaining:
Cuba, Pakistan

The eighth preambular paragraph of draft resolution A/C.1/53/L.39/Rev.1 was retained by 137 votes to 2, with 2 abstentions.

The Chairman (*interpretation from French*): If no delegation wishes to explain its vote or position on the eighth preambular paragraph, the Committee will now take action on operative paragraph 3 (b) of draft resolution A.C.1/53/L.39/Rev.1. A separate vote has been requested.

(*spoke in English*)

Operative paragraph 3 (b) reads as follows:

"The elaboration of practical means for the further development of the Register in order to increase transparency related to weapons of mass destruction, in particular nuclear weapons, and to transfers of equipment and technology directly related to the development and manufacture of such weapons".

(*spoke in French*)

I now call on the representative of South Africa, who wishes to speak in explanation of vote before a decision is taken.

Mr. Goosen (South Africa): Given the South African Government's policy on non-proliferation and disarmament, together with its position on transparency in armaments, South Africa has supported past resolutions on this subject and will again this year support draft resolutions A/C.1/53/L.39/Rev.1 and A/C.1/53/L.43.

Our support for draft resolution A/C.1/53/L.39/Rev.1 is based on our belief that the principle of transparency should also apply to nuclear weapons and to the transfers of equipment and technology directly related to the development and manufacture of such weapons. We therefore support the notion contained in draft resolution A/C.1/53/L.39/Rev.1 that the need for a register to increase transparency related to weapons of mass destruction should be further explored.

South Africa will, however, abstain in the voting on operative paragraph 3 (b) of the draft resolution, as we do not believe that a linkage should be established with the current Register, which deals with conventional weapons.

The Chairman: We have heard the only speaker in explanation of vote or position before the voting.

I call on the Secretary of the Committee to conduct the voting.

Mr. Lin Kuo-chung (Secretary of the Committee): The Committee will now proceed to vote on operative paragraph 3 (b) of draft resolution A/C.1/53/L.39/Rev.1.

A recorded vote was taken.

In favour:
Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Papua New Guinea, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland,

Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Argentina, Azerbaijan, Belarus, Brazil, China, Cyprus, Democratic Republic of the Congo, Georgia, India, Japan, Kazakhstan, Kyrgyzstan, Mongolia, Pakistan, Republic of Korea, South Africa, Uzbekistan

Operative paragraph 3 (b) of draft resolution A/C.1/53/L.39/Rev.1 was retained by 80 votes to 46, with 17 abstentions.

The Chairman (*interpretation from French*): If no delegation wishes to explain its vote or position on operative paragraph 3 (b), the Committee will now take a decision on draft resolution A/C.1/53/L.39/Rev.1 as a whole.

I call on the representative of Austria, who wishes to speak in explanation of position or vote before a decision is taken.

Mr. Hajnoczi (Austria) (*interpretation from French*): It is my honour, on behalf of the European Union, to speak on draft resolution A/C.1/53/L.39/Rev.1, "Transparency in armaments", before it is put to a vote in the Committee. The countries of Central and Eastern Europe associated with the European Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia - as well as the European Free Trade Association countries members of the European Economic Association - Iceland and Norway - associate themselves with this statement. The States subscribing to the present explanation of vote will vote against the draft resolution.

Draft resolution A/C.1/53/L.39/Rev.1 is not acceptable for very important reasons of principle. General Assembly resolution 52/38 B last year had already established an equivalency between the concept of transparency in conventional arms, as implemented through the United Nations Register of Conventional Arms, and the concept of transparency in relation to weapons of mass destruction. As the Committee will recall, the European Union and the countries associated with this statement voted as a bloc against resolution 52/38 B. With respect to the text of last year's resolution, the text now before us only reinforces the attempted linkage between, on the one hand, additional progress in the development of the Register and, on the other hand, greater transparency concerning weapons of mass destruction.

The Union is fully aware that positions on this latter subject vary considerably. However, whatever the views on the way to apply transparency to weapons of mass destruction, that cannot be linked either to transparency in the field of conventional weapons in general or to the United Nations Register in particular.

For these reasons, the European Union and the States aligning themselves with this statement will be compelled to vote against draft resolution A/C.1/53/L.39/Rev.1.

The Chairman: We have heard the only speaker in explanation of vote or position before action is taken.

I call on the Secretary of the Committee to conduct the voting.

Mr. Lin Kuo-chung (Secretary of the Committee): The Committee will now proceed to vote on draft resolution A/C.1/53/L.39/Rev.1 as a whole.

A recorded vote was taken.

In favour:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cape Verde, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Papua New Guinea, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece,

Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Argentina, Azerbaijan, Belarus, China, Cyprus, Democratic Republic of the Congo, Georgia, India, Japan, Kazakhstan, Kyrgyzstan, Malta, Marshall Islands, Pakistan, Republic of Korea, Singapore, Uzbekistan

Draft resolution A/C.1/53/L.39/Rev.1, as a whole, was adopted by 82 votes to 44, with 17 abstentions.

The Chairman (*interpretation from French*): I shall now call on those representatives who wish to make statements in explanation of vote or position.

Mr. Grey (United States of America): The United States voted "no" on draft resolution A/C.1/53/L.39/Rev.1, entitled "Transparency in armaments". We are disappointed that the sponsors continue to link the concepts of transparency in conventional arms to transparency in weapons of mass destruction. Since the international community has not reached broad agreement on methods and approaches that would permit the United Nations Register to address transparency in weapons of mass destruction, advocating that the Register be expanded in this fashion amounts to a convenient excuse for certain countries not to submit data on conventional arms.

We believe a more appropriate approach is outlined in draft resolution A/C.1/53/L.43, the draft resolution on transparency in armaments sponsored by the Netherlands and a wide range of other countries, including the United States. It calls for universal participation in the Register while encouraging Member States to provide views to the Secretary-General on its further development.

I note that the United States voted "yes" in the vote on the eighth preambular paragraph in the context of our commitment to seek universality of the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological Weapons Convention and in the context of United States commitments to these three instruments.

Mr. Changhe Li (China) (*interpretation from Chinese*): China has always upheld the complete prohibition and elimination of all weapons of mass destruction. It believes that to achieve that objective it is both necessary and inevitable ultimately to adopt transparency measures for weapons of mass destruction. To date the international community has already worked out Conventions on the complete prohibition of chemical and biological weapons. The Chemical Weapons Convention has already entered the phase of comprehensive implementation, and the negotiations are being stepped up on the protocol to enhance the effectiveness of the Biological Weapons Convention. Questions concerning the transparency and verification of these two classes of weapons of mass destruction either have been or are in the process of being resolved.

As to the remaining class of existing weapons of mass destruction - namely, nuclear weapons - we believe that the current priority is to proceed from the present situation by making efforts to promote the process of nuclear disarmament and prevent the proliferation of nuclear weapons. In this regard, the countries that possess the largest and most advanced nuclear arsenals should maintain their position of leadership by drastically reducing their nuclear arsenals and abandoning multiple standards on the question of preventing the proliferation of nuclear weapons so as to create conditions for the ultimate complete transparency and elimination of nuclear weapons.

For these reasons, and in view of the various views on reconvening the group of experts on the questions of transparency in armaments and expansion of the Register, the Chinese delegation abstained in the voting on draft resolution A/C.1/53/L.39/Rev.1 as a whole and on its operative paragraph 3 (b).

Ms. Kunadi (India): My delegation has asked for the floor to explain its position on the draft resolution just adopted. My delegation's position on the Treaty on the Non-Proliferation of Nuclear Weapons is well known, and therefore we cast a negative vote on the eighth preambular paragraph. Regarding operative paragraph 3, we feel that the United Nations Register of Conventional Arms deserves our continuing support and that further consolidation and universalization of the Register are necessary to realize its full potential, whereupon we will be in a better position to assess to what extent and in which direction the process can be carried forward.

Ms. Hamilton (Australia): Australia continues to view as unproductive any suggestion, implied or otherwise, that

transparency in relation to conventional weapons or progress in the Register of Conventional Arms should be conditional on transparency in weapons of mass destruction. Promoting this linkage is unlikely, in our assessment, to help the cause of transparency in respect of either. Moreover, it is unclear precisely what the draft resolution would hope to achieve theoretically by including weapons of mass destruction in the Register.

Given that biological and chemical weapons are already banned under international Conventions, it is difficult to see what useful information could be revealed through a transparency-reporting mechanism in the United Nations Register. States parties to the respective conventions would presumably report a nil return, as would States non-parties in compliance with the provisions of the Conventions. In short, the existing multilateral Conventions covering chemical weapons and biological weapons, and their verification mechanisms, are in themselves a type of transparency measure, and no additional value could realistically be expected to be gained from adding chemical and biological weapons to the United Nations Register of Conventional Arms. Rather, our efforts should focus on universalizing the two Conventions.

Similarly, in respect of nuclear weapons, we question what practical knowledge is expected to be gained from including them in the Register of Conventional Arms. Extensive information regarding the inventories of the nuclear-weapon States is already readily available. Again, it would be far more productive, in our view, to concentrate our efforts on universalizing the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. Benítez Versón (Cuba) (*interpretation from Spanish*): My delegation supported draft resolution A/C.1/53/L.39/Rev.1 because we completely agree with its essential elements, including the recognition that an increase in transparency in weapons of mass destruction, and nuclear weapons in particular, and in transparency in the transfer of technology and equipment directly related to the development and production of such weapons would strengthen stability, peace and regional and international security.

Operative paragraph 3 (b) does not seem to be particularly pertinent. We hope that States members will submit their views to the Secretary-General as requested in the main part of paragraph 3.

Finally, we should like to put on record that Cuba's affirmative vote in no way alters our well-known position regarding the Treaty on the Non-Proliferation of Nuclear Weapons, to which my country has not acceded because we consider it a selective and discriminatory instrument whereby two different categories of States are established and the possession of nuclear weapons is legitimized for one of those categories. That is why my delegation abstained in the separate voting on the eighth preambular paragraph.

Mr. Efrat (Israel): My delegation voted against the draft resolution since we do not consider it necessary or useful to expand the United Nations Register of Conventional Arms to weapons of mass destruction. In our view, such expansion may impair its functioning. Instead, we maintain that efforts should be devoted to encouraging those States which have not yet done so to join the Register. In that regard, we are also a bit surprised to hear calls from neighbouring States to expand the Register while they themselves have so far failed to submit reports under the existing one.

Finally, we maintain that transparency with regard to military holdings both through imports and through local production can be effective only if based on regional arms control agreements and on the principles of reciprocity and comprehensiveness.

Mr. Dehghani (Islamic Republic of Iran): As we have already stated, in our view, the principle of transparency in armaments in accordance with the context of General Assembly resolution 46/36 L applies to conventional weapons, weapons of mass destruction and high technology with military purposes.

My delegation wishes that all applications of General Assembly resolution 46/36 L had been reflected in operative paragraph 3 (b) of this draft resolution. However, because my delegation attaches great importance to transparency in armaments, we voted in favour of draft resolution A/C.1/53/L.39/Rev.1.

The Chairman (*interpretation from French*): We have heard the last speaker in explanation of vote or position.

The Committee will now take up draft resolution A/C.1/53/L.5/Rev.1, which belongs to cluster 7, "Disarmament machinery".

(*spoke in English*)

If no delegation wishes to make a general statement on that cluster, the Committee will now take action on draft

resolution A/C.1/53/L.5/Rev.1, entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific".

The sponsors of the draft resolution have expressed the wish that it be adopted by the Committee without a vote. In the absence of objection to that, I now call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): Draft resolution A/C.1/53/L.5/Rev.1, entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific", was introduced by the representative of Nepal at the 27th meeting, on 10 November 1998. The sponsors are listed in the draft resolution. An amendment to this draft resolution, document A/C.1/53/L.46, was withdrawn at the 27th meeting, on 10 November 1998.

The Chairman: If no delegation wishes to explain its position, we shall now proceed to the adoption of the draft resolution.

Draft resolution A/C.1/53/L.5/Rev.1 was adopted.

The Chairman: If no delegation wishes to explain its position on the draft resolution just adopted, the Committee will now take action on draft resolution A/C.1/53/L.12/Rev.1, entitled "Report of the Conference on Disarmament".

It is the wish of the sponsor that the draft resolution be adopted without a vote. If there is no objection to that procedure being followed, I now call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): Draft resolution A/C.1/53/L.12/Rev.1, entitled "Report of the Conference on Disarmament", was introduced by the representative of the United Kingdom at the 27th meeting, on 10 November 1998. The sponsor is identified in the draft resolution itself.

I call on the representative of Portugal, who wishes to make a statement in explanation of position before action is taken.

Mr. Monteiro (Portugal): I have asked for the floor to refer, on behalf of Portugal and Greece, to document A/C.1/53/L.12/Rev.1, concerning the report of the Conference on Disarmament. We recognize that the Conference on Disarmament, as the single global multilateral disarmament negotiating forum of the international community, has a primary role in substantive negotiations on priority questions of disarmament. Thus, we attach major importance to becoming a member of the Conference.

Rule 2 of the rules of procedure of the Conference on Disarmament provides that membership of the Conference will be reviewed at regular intervals. The reason for that rule is clear: it stems from the tension between limited membership of the Conference, on the one hand, and the universal scope of its tasks, on the other. This task is to negotiate multilateral agreements in the field of disarmament designed to be adhered to by all States. Therefore, Portugal and Greece consider that the Conference on Disarmament should be open to all States that apply for membership. Only that approach will progressively eliminate the tension between limited membership and the universality of Conference activities.

Enhancing the Conference's political legitimacy will facilitate the potential universality and the application of legal instruments produced by the Conference. Each and every decision to move in this direction should therefore restate the principle of the extension as a dynamic and safe process in order to prevent the concept of "regular intervals" referred to in rule 2 from being wrongly applied. It is our understanding that "regular intervals" does not mean every 10 or 20 years.

Portugal and Greece have expressed their support for the most recent proposal of enlargement as an intermediate step in an ongoing process of phased expansion of Conference on Disarmament membership to all candidates, and on the understanding that the Conference on Disarmament would remain seized of this matter.

As consensus was not reached, we consider it necessary to reappoint a special coordinator at the beginning of the 1999 session of the Conference on Disarmament. In this context, we welcome the fact that draft resolution A/C.1/53/L.12/Rev.1 encourages the Conference on Disarmament to continue its consultations on the review of its membership. Portugal and Greece hope that these consultations will lead to the successful treatment of this question of the expansion of the membership of the Conference on Disarmament, to which we attach great importance.

The Chairman (*interpretation from French*): We have heard the only speaker in explanation of position before action is taken.

If there is no objection, we shall now take action on draft resolution A/C.1/53/L.12/Rev.1.

Draft resolution A/C.1/53/L.12/Rev.1 was adopted.

The Chairman (*interpretation from French*): I shall now call on those delegations wishing to explain their position or vote on the draft resolution just adopted.

Mr. Majoor (Netherlands): The Netherlands gladly joined the consensus on draft resolution A/C.1/53/L.12/Rev.1, on the report of the Conference on Disarmament, and wishes to express its great appreciation to the President of the Conference on Disarmament, Ambassador Soutar of the United Kingdom, as well as to his predecessors for being able to move the Conference on Disarmament forward on the various issues under discussion. Much progress has been made, and that augurs well for the work of the Conference on Disarmament in 1999.

Since draft resolution A/C.1/53/L.12/Rev.1 makes no explicit mention of the work of the six special coordinators which were appointed during the 1998 session of the Conference on Disarmament, although two reform issues are mentioned, I would like to take this opportunity to pay tribute, on behalf of my delegation, to the special coordinators both on the three substantive issues - prevention of an arms race in outer space, anti-personnel landmines and transparency in armaments - as well as the reform coordinators on expansion, the agenda and improved and effective functioning of the Conference on Disarmament.

The special coordinators were not able to reach consensus on the issues they were dealing with, but we feel that they carried out impressive work in trying to bring positions closer together and thus in exploring the way in which the Conference should take these issues up in the near future. We hope and trust that their recommendations will be considered positively and swiftly.

We would also like to thank, of course, the Chairmen of the ad hoc committees on the fissile material treaty and on security assurances for their invaluable work. We hope that they will be able to resume their work right at the beginning of the 1999 session of the Conference on Disarmament.

Mr. Keskintepe (Turkey): We joined the consensus on draft resolution A/C.1/53/L.12/Rev.1, on the report of the Conference on Disarmament. However, we would have preferred the language in operative paragraph 6 to have been preserved as it was in the original version, that is, encouraging the Conference on Disarmament to "intensify" rather than to "continue" its consultations on the review of its membership.

Mr. Thema (South Africa): Had there been a vote on this draft resolution, South Africa would also have called for a separate vote on operative paragraph 3, which welcomes the establishment of an ad hoc committee in the Conference on Disarmament under agenda item 4, entitled "Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons".

As members of the First Committee are aware, South Africa is a strong supporter of and active participant in the negative security assurances issue. Our view, however, is that negative security assurances are an integral part of the bargain struck within the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in terms of which non-nuclear-weapon States parties to the Treaty have undertaken not to aspire to the possession of these weapons. South Africa consequently believes that the issue should be dealt with in the context of the NPT's strengthened review process. This view is further strengthened by the fact that the Conference on Disarmament, in all the years that it has dealt with this matter, has not shown any progress.

The Chairman (*interpretation from French*): We have heard the last speaker in explanation of position.

The Committee will now take up draft resolution A/C.1/53/L.50/Rev.1, entitled "Convening of the fourth special session of the General Assembly devoted to disarmament".

The sponsors have expressed the wish that this draft resolution be adopted without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

I call on the Secretary of the Committee.

Mr. Lin Kuo-chung (Secretary of the Committee): Draft resolution A/C.1/53/L.50/Rev.1, entitled "Convening of the fourth special session of the General Assembly devoted to disarmament", was introduced by the representative of South Africa, on behalf of the member States of the Non-Aligned Movement, at the 26th meeting, on 9 November 1998. Besides the sponsors listed in the draft resolution, an additional sponsor is listed in document A/C.1/53/INF/2.

The Chairman (*interpretation from French*): If no delegation wishes to speak in explanation of position, we shall now take action on draft resolution A/C.1/53/L.50/Rev.1.

Draft resolution A/C.1/53/L.50/Rev.1 was adopted.

The Chairman (*interpretation from French*): I shall now call on those delegations wishing to explain their position on the draft resolution just adopted.

Ms. Crittenberger (United States of America): My delegation is pleased that for the second year in a row the First Committee was able to adopt, without a vote, a draft resolution on a fourth special session of the General Assembly devoted to disarmament (SSOD IV). Such a result shows that member States continue to realize that an SSOD IV should be convened only when its purposes are clear and when concrete and balanced results based on consensus are possible. United States support for this draft resolution is predicated on this requirement - the requirement for consensus - in order to proceed to an SSOD IV.

In our view, an SSOD IV will be useful only if there is a consensus on forward-looking objectives and a balanced agenda that includes not only nuclear disarmament issues but also such topics as conventional weapons, transparency, confidence-building measures and non-proliferation. The United Nations Disarmament Commission came close to achieving such a consensus at its 1998 session. We find it remarkable that after three years of consideration in the Disarmament Commission, when consensus appeared close at hand the erstwhile strongest advocates of an SSOD IV were the ones who prevented a consensus from emerging.

United States support for this draft resolution represents a willingness to continue the search for such a consensus on the basis of work already accomplished in the Disarmament Commission, specifically, the paper presented by the 1998 Chairman of the Disarmament Commission's SSOD IV Working Group, contained in annex III of the Disarmament Commission's report (A/53/42). In our view, there is no need to start over, nor should much time be needed to finish this task.

Ms. Hamilton (Australia): I would like to explain Australia's position on draft resolution A/C.1/53/L.50/Rev.1, on which we have just joined the consensus.

It is against the accepted working methods of the United Nations Disarmament Commission to continue an item for a fourth session. Australia regards the agreement to do so in this draft resolution as exceptional, and we accept it reluctantly.

The Disarmament Commission came very close to agreement on this issue at its last session. In the end it was blocked by one or two members of the very group which advocates the holding of the fourth session. We would expect the most interested delegations to consult thoroughly before the next session so that the small number of outstanding issues can be resolved quickly. The Disarmament Commission already has two important substantive items on which to complete its work in 1999, and the vast bulk of its meeting time should be allocated to those items.

The meeting rose at 6.05 p.m.